Supreme Court, U.S.
FILED
05-976 OCT 12 2005
OFFICE OF THE CLERK

Case No.

IN THE

Supreme Court of the United States

October Term, 2005

Ronald Howard Brodt, Petitioner

v.

State of Maryland, Respondent

Petition for Writ of Certiorari to the Maryland Court of Appeals

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PETITION FOR WRIT OF CERTIORARI

Ronald Howard Brodt Sr
In -Care -Of
209 Walnut Lane
Aberdeen, Maryland
United States of America
Phone: (410) 879-5546

QUESTIONS PRESENTED FOR REVIEW

1. Can the Circuit Court of Harford County refuse to hear a case de novo thereby violating my procedural and substantive rights to due process of law guaranteed by the United States Constitution, under the due process clauses of the Fifth and Fourteenth Amendments to the United States Constitution and the right to petition for redress of grievances which is provided for under the First Amendment, by way of the Fourteenth Amendment to the United States Constitution and similar provisions of the Maryland Constitution, effectively denying access to the appellate process in Maryland ?

2. Were my procedural and substantive due process rights, provided for in the constitutional provisions described above, violated by the Harford County Circuit Court as guaranteed under the state statutes and the federal constitutional due process clauses described above?

3. Does appellate jurisdiction attach in the Harford County Circuit Court once the petitioner has filed his notice of appeal?

4. Does the Harford County Circuit Court have a duty under the state law provisions and federal constitutional provisions cited in this petition to conduct a trial de novo when an appeal from a court of limited jurisdiction is filed?

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INTRODUCTION

I, Ronald Howard Brodt, the petitioner, respectfully requests that a Writ of Certiorari issue to review the judgment of the Maryland Court of Appeals entered on July 18, 2005.

OPINIONS BELOW

The ruling of the Circuit Court of Harford County remanding this matter to the District Court For a retrial was entered on September 7, 2004 without a formal written opinion. The final ruling by the Maryland Court of Appeals denying my Petition for Writ of Certiorari was issued on July 18, 2005, stating only that they do not believe that the it is in the public interest to review this matter.

BASIS FOR JURISDICTION

The Supreme Court of the United States of America has jurisdiction to hear this matter pursuant to Title 28 USC, Judiciary and Judicial Procedure, Section 2101(d) which provides for review of a state court judgment in a criminal case. The ruling of the Maryland Court of Appeals from which I seek review by this court was dated July 18, 2005.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Article One, Clause 6 of the Bill of Rights, otherwise known as the First Amendment to the United States Constitution, which provides a constitutionally guaranteed unalienable right to "petition for petition the government for redress of grievances". This case also involves Article Five, Clause 5 of the Bill of Rights, otherwise referred to as the due process clause of the Fifth Amendment to the United States Constitution, which states as follows; "No person shall.....nor be deprived of life, liberty or property, without due process of law". This case also involves The Fourteenth Amendment to the United States Constitution, Clause 3, otherwise referred to as the Due process clause of the Fourteenth Amendment, which states as follows; "nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The following Maryland State Statutes are involved;

12-403 Court to which appeal taken

(a) Counties.- An appeal from the District Court sitting in one of the counties shall be taken to the circuit court for the county in which judgment was entered.

(b) Baltimore City.-An appeal from the District Court sitting in Baltimore City shall be taken to the Circuit Court for Baltimore City.

12-401 Right of appeal generally.
(a) Civil Cases.- Any party in a civil case may appeal from a final judgment entered in the District Court.
(b) Criminal cases.- In a criminal case:
(1)The State may appeal from a final judgment entered in the District Court:
(i) If the State alleges that the trial judge failed to impose the sentence specifically mandated by the Code: or
(ii) Granting a motion to dismiss, or quashing or dismissing a charging document.
(2) The defendant may appeal even from a final judgment entered in the District Court though imposition or execution of sentence has been suspended.
(c) Criminal appeal.- Notwithstanding any other provision of law, an appeal taken under subsection (b)(1)(ii) of this section shall be:
(1) To the circuit court solely for the purpose of reviewing the judgment of the District Court; and
(2) Heard on the record made in the District Court.
(d) Municipal infraction.-
(1) A defendant who has been found guilty of a municipal infraction, as defined in Article 23A, Section 3(b)(1) of the Code or a Code violation under Section 10-119 of the Criminal Law Article, may appeal from the final judgment entered in the District Court.
(2) The costs and procedures for taking the appeal shall be as provided for appeals from criminal cases in the District Court.
(3) Except, however, as provided in subsection (f) of this section, the appellate court shall docket and hear the appeal as a civil appeal from the District Court.
(e) Time for appeal.-
(1) Except as provided in paragraph (2) of this subsection, an appeal shall be taken by filing an order for appeal with the clerk of the District Court within 30 days from the date of the final judgment from which appealed.

(2) If the final judgment was entered in a case filed under Section 8-332, Section 8-401, Section 8-402, Section 14-109, or Section 14-120 of the Real Property Article, the order for appeal shall be filed within the time prescribed by the particular section.

(f) De novo and on record appeals.- In a civil case in which the amount in controversy exceeds $5,000 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract, in any matter arising under Section 4-401(7)(ii) of this article, and in any case in which the parties so agree, an appeal shall be heard on the record made in the District Court. In every other case, including a criminal case in which sentence has been imposed or suspended following a plea of nolo contendere or guilty, and an appeal in a municipal infraction or Code violation case, an appeal shall be tried de novo.

(g) Right to jury trial.- In a criminal appeal that is tried de novo, there is no right to a jury trial unless the offense charged is subject to a penalty of imprisonment or unless there is a constitutional right to a jury trial for that offense.

BRIEF STATEMENT OF THE CASE

An unfounded citizen complaint was filed against me with the Department of Animal Control in Harford County alleging that I kept puppies in a windowless building with no air conditioning. The Animal Control Department then applied for and obtained a search warrant without probable cause and without identifying the nature (jurisdiction and venue), and cause of the accusation in the warrant. An employee of the Harford County Department of Animal Control searched my private allodial property and found nothing wrong. They discovered that the building was air conditioned and that there

were windows in the building. In an attempt to save face, The Department of Animal Control then filed a complaint with the States Attorney in Harford County alleging that I had too many puppies in a cage. The Department of Animal control lied and stated that I had 9 puppies in a cage. I had witnesses who would have testified that I had only 6 puppies in said cage, if I had been given more time to obtain these witnesses in my defense. The statute that the Animal Control Department relied upon did not specifically state how much space was required for each animal under my control, and was therefore void for
vagueness. The Animal Control Department also alleged that I had not obtained dog licensing for several dogs which I do not own. A criminal complaint in the nature of an information was filed by the States Attorney. A trial date was set. I notified the court that I needed more time to obtain witnesses for my defense. I asked for a postponement to obtain witnesses. The court refused to grant me a postponement and found me guilty of the two counts. The case number in Harford County District Court is 005R00039723. The District Court held a trial on Wednesday June 9th, 2004 at 2:30 PM and ruled in favor of the People of the State of Maryland (corporate). I filed a request for a retrial, and that request was denied. I then filed an appeal to the Circuit Court of Harford County. The Judge commenced an arraignment hearing. I asked the court who was holding the bond in the matter before the court. I asked a few other questions about jurisdiction and venue. The Judge told me he was remanding the case to the District Court of Harford County. The Circuit court held a hearing on September 7, 2004 in case number 12K 04001028 and remanding the case to the District Court for a retrial. The District Court for Harford County had already refused my request for a retrial. I appealed the Circuit Court Judges ruling to the Maryland Court of Special Appeals for review of that judges ruling. The Maryland Court of Special Appeals

forwarded the case to the Maryland Court of Appeals, because the Maryland Court of Appeals had jurisdiction on appeal from the Circuit Court of Harford County, and since I had erroneously filed the appeal with the Maryland Court of Special Appeals. The Maryland Court of Appeals accepted and relied upon the pleadings I filed in the Maryland Court of Special Appeals for their ruling.

ARGUMENT

1. **The Circuit Court cannot refuse to hear a case de novo without violating my procedural and substantive rights to due process of law guaranteed by the US Constitution.**

The Circuit court of Harford County refused to set the above captioned case for trial remanding the case back to the District Court for a second trial, thereby violating my rights to due process of law under the Fifth and Fourteenth Amendments to the US Constitution and denying my access to the appellate process. The District Court had already refused to grant a second trial. The right of appellate review cannot be set aside by the Circuit Court. Additionally, this right was not waived. For the waiver of a right to be valid it must be done knowingly, intelligently and voluntarily with sufficient awareness of the likely consequences and relevant circumstances, see Brady v US, 397 US 742 at 748. The right to due process of law is guaranteed by the Fifth and Fourteenth Amendments, see United States v. Lee; 106 US 196, 1S. Ct. 240 (1882) where the United States claimed ownership of property via a tax sale some years earlier, the court stated as follows:

> "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest are creatures of the law and are bound to obey it. It is the only supreme power of our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives..... Shall it be said ... that the courts cannot give remedy when the citizen has been deprived of his liberty by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights."

The Supreme Court also reaffirmed the right to enjoy private property, which it characterized in a broad class of civil liberties, and not be deprived of it without due process of law in Lynch v. Household Finance Corp.; 405 US 538 (1972).

In Griffin v. Illinois, 351 US 12, the US Supreme Court ruled that a state could not create procedural roadblocks that effectively denies a criminal defendant access to the appellate process. I believe that the Harford County courts must be restrained for the same reason.

The refusal by the Circuit Court of Harford County to hear the case de novo is also a violation of the right to petition for

redress of grievances as established under the United States Constitution, First Amendment.

2. My procedural and substantive due process rights were violated by the Circuit Court under the state statutes.

Pursuant to Section 12-401(a), 12-401(c) and 12-403 of the Courts and Judicial Proceedings Article, the lower court (Circuit Court) violated my rights to due process of law by denying me my appellate remedy in the Circuit Court of Harford County, see Hardy v. State, 279 Md 489; 369 A. 2d 1043.

The Maryland court also stated that a de novo trial is tried as wholly original proceedings, as if no judgment had been entered in the lower court, see Eastern Publishing v. Jender Printing, 312 Md 715, 542 A 2d 380 (1987) Thompson v. State, 278 Md. 41, 53-54; 359 A 2d 203 (1976); Montgomery Ward v. Hermann, 190 Md. 405 at 409; 58 A 2d 677 (1948); Zitzer v. Jones, 48 Md. 115, at 117 (1878).

3. Appellate jurisdiction attaches in Circuit court once the Notice of Appeal has been filed.

In addition the Maryland Court of Appeals has also ruled that appellate jurisdiction has attached in Circuit Court once the petitioner has filed his notice of appeal, see Nina & Nareg, Inc. v. Movahed, 369 Md 187; 798 A 2d 557 (2002). Furthermore even when a probation hearing is appealed to a Circuit Court the de novo standard must be applied, see McDonald v. State, 314 Md. 271; 550 A 2d 696 (1988).

4. A trial de novo has traditionally been used when an appeal from a court of limited jurisdiction is heard in a court of general jurisdiction.

An appeal from a court of limited jurisdiction to a court of general jurisdiction has traditionally meant a trial de novo in the appellate court, and the plain language of the statute has to
be adhered to by the courts where due process rights by way of a trial de novo are guaranteed by statute see Harper v. State, 312 Md. 396; 540 A 2d 124 (1988).

CONCLUSION

For all of the foregoing reasons the Circuit Court of Harford County violated my procedural and substantive due process rights to an appeal, which violated both state law and the United States Constitution. There can be no security for the inhabitants of a state, where the due process rights and access to the appellate process is denied using a procedural or judicially constructed roadblock to the appellate process. The state then becomes a totalitarian regime. Harford County's reputation for denying justice is well established in the court records throughout history. I therefore ask that the United States Supreme Court order the Circuit Court to hold an arraignment hearing and trial de novo as required by state law.

Pro Hac Vice

Respectfully Submitted,

Ronald Howard Brodt Sr.

Ronald Howard Brodt, Sr.
In-Care-Of
209 Walnut Lane
Aberdeen, Maryland
United States of America
Phone (410) 879- 5546

Appendix

App 1

IN THE CIRCUIT COURT OF HARFORD COUNTY

STATE OF MARYLAND, Plaintiff	:
	:12-K-1028
vs.	:
RONALD H. BRODT, SR. Defendant	:

OFFICIAL TRANSCRIPT OF PROCEEDINGS

September 7 2004
Bel Air, Maryland

BEFORE:

HONORABLE EMORY A. PLITT JR., JUDGE

Reported by:
Krista L. Lansella
Official Court Reporter
Circuit Court For Harford County
20 West Courtland Street
Bel Air, Maryland 21014

THE CLERK: Case 12-K-04-1028. State of Maryland v. Ronald Howard Brodt.

MR. BRODT: Your Honor which one are you looking for?

THE COURT: Excuse Me?

DEFENDANT BRODT: Are you looking for the natural person or ---

Just listen to me. There are two charges, one charge of abuse of animals which carries a maximum sentence of 90 days, and one charge of not having a dog license which carries a maximum of 90 days. Now, in this particular case did you ask for a jury trial in the District Court?

MR. BRODT: No, Your Honor. Yes I did. I asked for a trial by Jury under common law.

THE COURT: You're not entitled to it unless the penalty exceeds 90 days. And there were only those two charges. I will remand this matter to the District Court. It shouldn't even have been here. You're not entitled to a Jury Trial on these charges. What's your current address?

MR. BRODT.: It's 209 Walnut Lane, Aberdeen, Maryland.

THE COURT: Do you have an attorney?

MR. BRODT: No your honor. Pro se.

THE COURT: Okay, what did you do when this came up in the District Court, ask for Jury trial?

MR BRODT: I asked for a jury trial he just completely ignored, I mean, everything and just railroaded me.

THE COURT: Well you didn't have a trial over there?

MR. BRODT: No I didn't. You're right. I didn't have a trial. It was a zoo.

THE COURT: Did you ask for a jury trial and the District Court Judge said okay?

MR. BRODT: No. I asked for a jury trial by jury under common law.

THE COURT: Just listen to me. You're not entitled to a jury trial under common law in this state unless the penalty exceeds more than 90 days. This case is going back to the District Court where it belongs. Okay.

REPORTER'S CERTIFICATE

I, Krista Lansella, an official court reporter of the Circuit Court for Harford County, do hereby certify that I recorded stenographically the proceedings in the matter of State of Maryland versus Ronald Howard Brodt, Sr., Case Number 12-K-04-1028, on September 7, 2004.

I further certify that the aforegoing pages numbers one through three constitute the official transcript of proceedings as transcribed by me to the within typewritten matter in a complete and accurate manner.

In witness whereof, I have hereunto subscribed my name this 5th day of December, 2005.

(signature)
Krista Lansella

Official Court Reporter

DISTRICT COURT OF MARYLAND FOR Harford County
Located at 2 S. Bond Street, Bel Air, Maryland 21014
Case No. 005R00039723
STATE OF MARYLAND VS BRODT, RONALD HOWARD

209 WALNUT DRIVE
Aberdeen, MD 21001-0000

Hearing Or Trial Date:
To Be Set

CC#: SID:
Local ID: DL#:
Race:2 Sex:M Ht:0'00" Wt: 000 Hair: Eyes:
DOB: 12/28/1947
Phone(H): Phone(W):

Charge/ Statute/ AR/Citation/ CJIS Code
ABUSE OF ANIMALS
Charge/ Statute/ AR/Citation/ CJIS Code
DOGS NO LICENSE
ARRESTED 12//9/04 @10:50 AM
RELEASED 12/9/04 @2:15 PM

KNOW ALL PERSONS BY THESE PRESENTS:
That I/we the Undersigned, jointly and severally acknowledge that I/we, our personal representatives, successors and assigns are held and firmly bound unto the state of Maryland in the Penalty Sum of $ 255.00 (Two Hundred Fifty Five Dollars)
with collateral security equal to the full penalty amount, to secure payment the Defendant has deposited in Cash the Amount of $ 255.00

THE CONDITION OF THIS BOND IS that the Defendant personally appear, as required, in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which action may be transferred, removed, or if from the District Court, appealed.

If however, the Defendant fails to perform the foregoing condition, this bond shall be forfeited forthwith for payment of the above penalty sum in accordance with law.

IT IS AGREED AND UNDERSTOOD that this bond shall continue in full force and effect until discharged pursuant of Rule 4-217.

IN WITNESS WHEROF, these presents have been executed under seal this 09th day of December, 2004.

Defendant: R. Brodt Address: 209 Walnut Lane (SEAL)
Aberdeen, Maryland

Pers. Surety:_____(SEAL)
Address:_____
Surety
Surety/ Ins._____(SEAL)
Address:_____
Surety-Insurer
By Bondsman:_____(SEAL)
Address:_____
Power of Attorney No.

SIGNED sealed and acknowledged before me:
Date: 12/09/2004 Commissioner D. Tittle Huges ID9025
For Harford County
Tracking No. 031001867385 Receipt No. 109224

App 7

Case No. 005R00039723

DISTRICT COURT OF MARYLAND FOR HARFORD COUNTY
Located at 2 S. Bond Street, Bel Air, Maryland 21014

STATE OF MARYLAND VS BRODT, RONALD HOWARD

100 PULASKI HWY
BLACKWOOD, NJ, 08012-0000

CC#: SID:
Loc ID:
Eyes: Hair:
Ht:0" Wt: 0 lb.
Race:2 Sex:M DOB: 12/28/1947 DL#:

DEFENDANT TRIAL SUMMARY

The above case was heard today, 06/09/2004 by JUDGE BUTANIS, VICTOR K
The Courts finding is as follows:
001 ABUSE OF ANIMALS
PLEA -NOT GUILTY VERDICT -GUILTY
Sentence 90 days, suspended 90 days
Probation for 12 mos., commencing today, to be supervised by the Division of Parole and Probation.
Criminal Fine: $ 1,000.00 $ 900.00 suspended.
002 DOGS NO LICENSE/TERM OF LICENS
PLEA -NOT GUILTY VERDICT -GUILTY
Sentence 90 days, suspended 90 days, to be served C
Concurrently with 001
Probation for 12 mos., commencing today, to be supervised

by the Division of Parole and Probation.
Criminal Fine: $ 1,000.00 $ 900.00 suspended.

Criminal cost $ 20.00; CICF $ 35.00.

Total Criminal Fines and costs $ 255.00, $ 255.00 deferred, to be paid though the Court by 07/09/2004.
I UNDERSTAND THE VERDICT AND SENTENCE OF THE COURT AND PROMISE TO COMPLY AS ORDERED:
To Make payment(s) of fines and costs as set forth above at the Court address indicated between the hours of 8:30 a.m. and 4:30 p.m. any weekday the Court is in operation.
To observe and follow all conditions of probation as indicated above and/or on the attached Defendant Probation Summary.
The Division of Parole and Probation is located at 2 South BOND ST 2ND FLOOR, BEL AIR, MD 21014

(2) Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

In the
Supreme Court of The United States

Ronald -Howard: Brodt, Petitioner

V.

State of Maryland, Respondent

Petition for Writ of Certiorari to the Maryland Court of Appeals

---

SUPPLIMENTAL APPENDIX

Ronald -Howard: Brodt Sr
In -Care -Of
209 Walnut Lane
Aberdeen, Maryland
United States of America
Phone: (410) 879-5546

RONALD HOWARD	: IN THE
BRODT SR.	: COURT OF APPEALS
	: OF MARYLAND
v.	: Petition Docket Number 69
	: September Term, 2005
STATE OF MARYLAND	: (NO. 12- K-O4 -001028
	: Circuit Court for Harford
	: County)

ORDER

Upon consideration of the petition for a writ of certiorari to the Circuit Court for Harford County and the supplements filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition and supplements be, and they are hereby, denied as there has been no showing that review by Certiorari is desirable and in the public interest.

/s/ Robert M. Bell

Chief Judge

Date: July 18, 2005

$ 110 PAID 10-13-2004 # 44779-4
$ 80 Clerk PD 09-16-2004 # 44162

Num/Seq	Description	Filed	Entered	Party	Jdge	Ruling	Closed	User ID
003000	$ 80 Appeal fee deposited Pg 105 9-16-2004 ck #9547 $ 80 Appeal Costs, Made payable to the Clerk of the Circuit Court	7/19/04	7/20/04	DEF001	TBA		7/20/04	DLSDLS
004000	Writ of Sumons Issued-- 9/07/2004 @ 8:30am Arraign-ment--Judge Plitt 7/30/2004 Certified Mail returned with notation "no such street number in 08012" Regular mail notice NOT returned. (sent certified and regular mail --def out of state)	7/22/04	7/22/04	DEF001	TBA		7/22/04	DLSDLS
005000	Memoran-dum in Opposition fd.	7/29/04	7/30/04	DEF001	TBA		9/7/04	DLQ AO

Num/Seq	Description	Filed	Entered	Party	Jdge	Ruling	Closed
					User ID		
006000	Verified Demand for A Bill of Particulars fd.	9/01/04	9/02/04	DEF001	TBA		9/07/04
					DLQ	AO	
007000	Deft. Before the Court (Judge Plitt /krista) Court remanded Case to District Court as Circuit Court does not have jurisdiction.	9/07/04	9/07/04	000	EAP		9/07/04
					AO	AO	
008000	Certified copy of case history and original record of proceedings sent to District Court	9/16/04	9/16/04	000	TBA		9/16/04
					DLS	DLS	
008001	Petition For Writ of Habeas Corpus	9/15/04	11/30/04	DEF001	TBA		
					MAH	MAH	

Num/Seq	Description	Filed	Entered	Party	Jdge	Ruling	Closed
					User ID		
009000	Notice of Appeal to COSA per Ronald Howard Brodt Sr. defendant	10/1/04	10/1/04	DEF001TBA			
					DLSDLS		
0010000	Original Record sent to COSA on 11/30/04 Record consists of One Black binder only	11/30/04	11/30/04	000TBA			11/30/04
					MAHMAH		
0011000	Return Receipt	12/21/04	12/21/04	000TBA			
					MAHMAH		
0012000	Request for Certiorari acknowledged by COA (#69 2005)	04/13/04	04/14/04	000TBA			
					MAHMAH		

Num/Seq	Description	Filed	Entered	Party	Jdge Ruling	Closed	User ID
0013000	Order of Court fd. (Judge Bell) ordered by the Court of Appeals of Md. that the Petition and Supplements be, and they are hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest	07/21/05	08/01/05	DEF00TBA			DLQDLQ

SERVICE

Form Name	Issued	Hearing	Served	Returned	Agency
CR Criminal Summons (ARGN) Sched Event	07/22/04	09/07/04		07/30/04	Certified and Regular Mail